

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Linda S. H.,

Case No. 19-cv-1863 (TNL)

Plaintiff,

v.

ORDER

Andrew Saul,
Commissioner of Social Security,

Defendant.

Edward C. Olson, 331 2nd Avenue South, Suite 420, Minneapolis, MN 55401 (for Plaintiff); and

Elvi D. Jenkins, Special Assistant United States Attorney, Social Security Administration, 1301 Young Street, Mailroom 104, Dallas, TX, 75202 (for Defendant).

I. INTRODUCTION

This matter comes before the Court on Plaintiff Linda S. H.’s Motion for Award of Attorney’s Fees Pursuant to the Equal Access to Justice Act (“EAJA”). (ECF No. 27.) For the reasons that follow, the Court grants this motion.

II. DISCUSSION

Plaintiff initiated an action for judicial review of the Commissioner’s denial of her disability benefits. (ECF No. 1.) Cross motions for summary judgment were subsequently filed by Plaintiff and the Commissioner. (ECF Nos. 15, 17.) On July 27, 2020, the Court issued an Order granting Plaintiff’s motion, denying the Commissioner’s motion, and remanding the matter to the Commissioner for further proceedings. (ECF No. 23.) Plaintiff then filed the instant motion.

Under the EAJA, “a party who prevails in a civil action against the United States—including a lawsuit seeking judicial review of administrative action—shall be awarded fees and expenses ‘unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust.’” *Rapp v. Colvin*, No. 12-cv-2473 (PJS/TNL), 2014 WL 5461889, at *1 (D. Minn. Oct. 27, 2014) (quoting 28 U.S.C. § 2412(d)(1)(A)). In her present motion, Plaintiff seeks \$7,113.76 in attorney fees for 34.6 hours of work. (ECF No. 28 at 5; *see also* Itemization of Legal Servs. at 1-2, Ex. A to Pl.’s Memo. in Supp. of Pl.’s Mot., ECF Nos. 28-1 & 29.) The Commissioner does not object to Plaintiff’s motion. (*See* ECF No. 31.) The Court finds that Plaintiff’s request is reasonable and fair.

III. ORDER

Based on the record, memoranda, proceedings herein, and no objections to the requested amounts, **IT IS HEREBY ORDERED** that:

1. Plaintiff’s Motion for Award of Attorney’s Fees Pursuant to the Equal Access to Justice Act (ECF No. 27) is **GRANTED**.
2. Plaintiff be awarded \$7,113.76 in reasonable attorney fees, subject to offset by any preexisting debt that Plaintiff owes to the United States.

Dated: December 28, 2020

s/Tony N. Leung
 Tony N. Leung
 United States Magistrate Judge
 District of Minnesota

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